

CURRENT ORDINANCE. (Portions to be amended in bold):

DIVISION 3. FALSE ALARMS

Sec. 7-305. Fines; dispatch records; appeals.

(1) *Fines.*

(a) On-site written notice and a warning letter shall be provided to the permit holder after each false alarm. An alarm user shall have a properly licensed alarm business inspect his alarm system after three false alarm dispatches in a one-year period. After four false alarm dispatches, the alarm user must have a properly licensed alarm business modify the alarm system to be more false alarm resistant or provide additional user training as appropriate. Notification signed by the alarm business qualifying agent shall be provided to the metro alarm review board confirming the above procedures. If there is a reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the alarm administrator may require a conference with an alarm user and the alarm business responsible for the repair of the alarm system to review the circumstances of each false alarm. The alarm business, responding authority, or alarm user may also request a conference.

(b) An alarm user shall be subject to fines, warnings, and suspensions or revocation of permit after the sixth false alarm dispatch within the 12-month period based upon the following schedules:

TABLE INSET:

Number of False Alarm Dispatches	Action Taken	Fines
1.	On-site written notice and warning letter #1.	No fine
2.	On-site written notice and warning letter #2.	No fine
3.	On-site written notice and warning letter #3.	No fine
4.	On-site written notice and warning letter #4.	No fine
5.	On-site written notice, certified letter to user requiring alarm inspection from metro alarm review board and certified inspection letter from alarm company to board.	No fine

6.	On-site written notice, certified letter to user requiring alarm inspection from metro alarm review board and certified inspection letter from alarm company to board.	No fine
7.	On-site written notice and required alarm users training class and mandatory.	\$25.00 fine
8. or more	On-site written notice and required board hearing and potential suspension of permit.	\$25.00

If the alarm user fails to comply with subparagraphs 7. and 8. herein, that alarm user shall be summoned into the general sessions court by the issuance of a mandatory court summons by authorized officers. In addition to any other fine or penalty provided by law, any alarm user found guilty of violating the provisions of subparagraphs 7. and 8. herein shall be subject to a fine of up to \$50.00 for each separate violation with each day that a violation continues constituting a separate offense.

(c) Any person operating a non-permitted alarm system, whether revoked, suspended or never acquired, will be subject to a citation and a false alarm penalty as defined herein in addition to any other fines. The metro alarm review board may waive this additional penalty for a non-permitted system if the alarm user applies for a permit within ten business days after such violation.

(d) An alarm user with seven false alarm dispatches, shall be required to attend the false alarm user awareness class.

(e) An alarm dispatch request caused by an actual criminal offense, or with evidence of a criminal attempt, shall not be counted as a false alarm dispatch.

(f) The alarm administrator may reinstate a suspended permit upon receipt of acceptable evidence that the cause has been addressed and appropriate corrective action has been taken as outlined in this chapter.

(2) Alarm dispatch request records.

(a) The officer responding to an alarm dispatch request shall record such information as necessary to permit the alarm administrator to maintain records, including, but not limited to the following information:

- 1. Identification of the permit number for the alarm site.**
- 2. Identification of the alarm site.**
- 3. Date and time alarm dispatch received.**
- 4. Date and time of arrival at the alarm site.**
- 5. Weather conditions.**
- 6. Area and/or sub-area of premise involved.**
- 7. Name of alarm user's representative on premises, if any.**

8. Identification of responsible alarm business. If unable to locate the address, notify monitoring company.

(b) The responding officer shall indicate on the dispatch record whether in such officer's judgment the dispatch was caused by a criminal offense, an attempted criminal offense, an alarm user error, weather conditions, or an unknown cause.

(c) In the case of an assumed false alarm dispatch, the responding officer shall leave notice at the alarm site that the law enforcement officer has responded to a false alarm dispatch. The notice shall include the following information:

1. The date and time of law enforcement response to the false alarm dispatch.
2. The identification number of the responding officer, and the event number of the false alarm dispatch.
3. A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid misuse of law enforcement response and imposition of fines and other penalties.

(3) *Appeal from fines.*

(a) An alarm user may appeal an assessment of a false alarm dispatch charge to the metro alarm review board by filing a written request for a review or hearing setting forth the reasons for the appeal within ten days after receipt of the false alarm notice or fine. The filing of a request for an appeal hearing with the alarm review board stays the assessment of any fine until the board makes a final decision.

(b) The metro alarm review board shall conduct a formal hearing when necessary, and consider the evidence by any interested person(s). The board shall make its decision on the basis of the preponderance of evidence presented at the hearing including, but not limited to, evidence that a false alarm dispatch was caused by a defective part that has been repaired or replaced or that an alarm dispatch request was caused by a criminal offense or attempted criminal offense. The board must render a decision within 30 days after the request for an appeal hearing is filed. The board shall affirm, reverse or modify the assessment of the fine. The decision of the board is final as to administrative remedies.

(Ord. No. 208, § 1, 3-22-99; Ord. No. 260, § 15, 1-22-02)